

REMARKS

In an Office Action mailed July 11, 2005, the Examiner rejected all pending claims as being obvious over PCT Publication No. WO/98/27907 to Putzer in view of various other references. In all instances, the Examiner cited Putzer as disclosing “a diaper with a fold in the backsheet which extends the length of the diaper and is *tacked at the front and back waistband so that the folds do not unfold*” (Office Action at 2, para. 2; at 4, para. 3). In contrast, independent claim 1 recites that “said absorbent composite is *laterally expandable* at least at said opposite ends thereof,” and that “at least one fold of said backsheet is *unfoldable* along at least said opposite ends of said absorbent composite,” meaning the at least one fold can be *unfolded*.

In particular, the folded backsheet of the absorbent composite can be unfolded adjacent the *ends* of the absorbent composite, so as to conform to the body of the user (Specification at 23, lines 6-21). At the same time, the intermediate crotch portion can remain in the folded configuration or can be unfolded, so as to provide volume when insulted (Specification at 23, lines 15-21).

In direct contrast, as noted by the Examiner, Putzer expressly discloses that the “portion of the pleats located in *the front and back waistband region* are *tacked or adhered so that they do not open*” (page 9, lines 5-7). “Thus, the pleats [of Putzer] allow the backsheet to expand away from the wearer’s body surface in the crotch region while maintaining a close fit in the front and back waistband regions and preventing any leakage in those areas” (page 9, lines 8-11). Accordingly, Putzer fails to disclose all of the recitations of claim 1 and the Examiner’s rejections thereof should be withdrawn.

On this same point, Applicants note that the Examiner in parent case U.S. S/N 09/855,028 rejected independent claims 1 and 18 over U.S. Patent No.

6,102,892 to Putzer, which is the U.S. counterpart to the cited PCT Putzer. During prosecution, Applicants amended claim 1 in the '028 application to recite the same limitations as presented in pending claim 1, namely that "at least one fold of said backsheet is unfoldable along at least said opposite ends of said absorbent composite." Based on that amendment, and the same arguments relative to the PCT Putzer as made herein, the Examiner in the prior case *withdrew* her rejection over the U.S. Putzer. In addition, the Examiner withdrew a rejection under 35 USC 112(2) about the term "unfoldable" in response to Applicant's explanation that the recitation of the at least one fold being "unfoldable," simply means that the at least one fold is capable of being unfolded, which is consistent with the recitation of the backsheet being expandable (*see* Specification at 17, lines 30-32; at 22, line 31 to 23, line 24). The '028 parent application ultimately issued over the U.S. Putzer as U.S. Patent No. 6,733,484. As noted on the face of the '484 patent, the presently cited PCT Putzer reference also was considered during the prosecution thereof.

For these reasons, claims 1-18 should be passed to allowance and notice to that effect is earnestly solicited.

Finally, Applicants have amended claim 1 so as to improve the clarity and form thereof by reciting terms having proper antecedent basis. These amendments do not narrow the scope of claim 1.

CONCLUSION:

If for any reason this application is not considered to be in condition for allowance and an interview would be helpful to resolve any remaining issues, the Examiner is respectfully requested to call the undersigned attorney at (312) 321-4713.

Dated: October 11, 2005

By:

Respectfully Submitted,


Andrew D. Stover

Reg. No. 38,629

Attorney for Applicants

BRINKS HOFER GILSON & LIONE LTD.

Post Office Box 10395

Chicago, Illinois 60610

(312) 321-4200

terial.